HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 15741 OF 2006

DATED: 4.9.2006

Between:

S.G. Sivakumar

… Petitioner

and

The Superintendent of Police,
Anantapur and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 15741 OF 2006

ORAL ORDER:

There are no merits in the writ petition.

The bona fides of the writ petitioner are also suspect. The writ petition is filed complaining that the respondents 1 and 2 are not taking any action on the petitioner's complaint dated 7.3.2006 and for a direction to the 2nd respondent to register a case against the 3rd respondent and to investigate into his complaint dated 7.3.2006.

On 7.3.2006, the petitioner sent up a representation/complaint to the 1st respondent inter alia asserting that on 6.3.2006 while he was taking tea at a tea stall belonging to one Smt. Kamalamma, Amarapuram, the 3rd respondent while going to the police station abused him taking his caste name, threatened that he would register false cases against the petitioner and also that he would kill him in an encounter; and sought appropriate action and administrative measures for protection from the 3rd respondent. The complaint in the writ petition is that no action has been taken by the 1st respondent on his representation dated 7.3.2006.

The 1st respondent has filed a counter affidavit to the writ

petition. To the extent relevant in material, the counter affidavit of the 1st respondent reads as under:

> ***"3. It is respectfully submitted that almost all the averments made in the affidavit and the contentions raised by the petitioner in his petition date 7.3.2006 are one and the same. I submit that I have gone through the enquiry report submitted by the 2nd respondent. In the enquiry report, the facts revealed that on 8.3.2006 one Smt. Golla Rathnamma, w/o Eranna, went to the police station, Amarapuram and presented a complaint stating that she was being harassed by her husband Golla Eranna and his concubine Nagamani for dowry and was driven away from his house and a case in Cr.No.5/2006 U/s 498(A) IPC and Sec.4 of Dowry Prohibition Act was registered by the Sub Inspector Sreeramulu and during the course of investigation on 24.5.2006 the accused Golla Eranna was arrested and sent for remand. It was further revealed in the enquiry that, on 27.2.2006 one Mr. D. Nagaraju, son of G.D. Doddanna, Agraharam village went to Amarapuram Police Station and presented a complaint stating that one Narasimha Murthy of Agraharam village was having a thatched hut in Sy.No.288 where he was running a tea hotel and having possession certificate given by the Mandal Revenue Officer to construct a pucca building at that place. As it is barrier to the main gate of the school, if the building is constructed, the complainant D. Nagaraju and other villagers obstructed Narasimha Murthy in constructing the building. At that time the petitioner herein came to that place and stated that he would see that building would be constructed at that place besides threatening if any one comes and obstructed him a case under SC/ST (POA) Act would be foisted against them besides quoting his past history as a maoist. Hence, the said D. Nagaraju requested the Sub Inspector who is the 3rd respondent herein to take action against the petitioner herein. The enquiries further revealed that on 5.3.2006 at 9 a.m. one Mr. R. Jayakumar of***

Amarapuram went to the police station and gave a complaint stating that he is the Joint Secretary of MRPS and the petitioner who was Secretary of MRPS Amarapuram going to the Mandal Officers and threatening them that he is an ex-maoist and doing illegal things for his own besides mentioning that he is not at all doing any services to the public under the Asha Non-Government Organization and doing illegal panchayats, hence he requested to call for the petitioner and take action against him.

The above complaints were entered in the General Diary by the 3rd respondent herein and on 6.3.2006 at 3 PM the petitioner was called to the police station and was warned for his illegal things being done under the guise of Asha Non-Governmental Organization and his previous history of ex-naxalite by the Sub Inspector, Amarapuram. Further, the 3rd respondent warned him not to do such things and look after his work.

It is further respectfully submitted that in the enquiry it was further revealed that the allegation of the petitioner that on 6.3.2006 while he was taking tea at the tea hotel of Smt. Kamalamma, the 3rd respondent herein while going to Police station from his house abused the petitioner in filthy language by touching his caste and also disregarded his Asha Swachandra Smastha in the presence of one D.C. Kamalamma, Golla Chithramma, Siddesh Kumar and Golla Narasimhappa of V. Agraharam is utterly false and hence denied. As when D.C. Kamalamma, Golla Chitramma and Siddesh Kumar called for enquiry they did not turn up to the police station. Then one Golla Narasimha Murthy son of Ugrappa of Valasam Agraharam was examined about the incident and recorded his statement and in his statement he deposed that he was not present at the tea shop on 6.3.2006 at about 9.30 a.m and the contents of the petition are totally false.

5. It is further respectfully submitted that in the enquiry report, it was further disclosed that on 27.2.2006 on information the Sub Inspector surprised the tea hotel of Smt. Kamalamma w/o Chinnappa who

was running matka chits and searched her tea shop for matka chits and nothing was found and she was warned not to write matka. Hence she was cited as a witness by the petitioner as she is having grouse against him. One Mr. Siddesh Kumar, son of K. Veeralingappa of Thammidepalli village, a reporter of Praja Shakthi abused one Smt. G. Vidyavathi, Mandal Agriculture Officer, Amarapuram in filthy language and that on the complaint of Smt. G. Vidya Vathi, on 26.10.2005 a case in Cr.No.49/05 U/Sec.506, 509 IPC was registered against the petitioner herein and he was sent for remand. A report was initiated against the petitioner to his superior officers and on that he was removed from Prajashakthi Newspaper. Hence he bore grudge against the 3rd respondent and started sending petitions with false allegations. Hence the petitioner cited their names as they are against to the 3rd respondent and they may depose statements against him. Further one Mr. G. Rangappagari Govindappa, Amarapuram Narayana both are of Amarapuram stated that on 6.3.2006 from 8 a.m. to afternoon they were at the tea shop of Kamalamma and the 3rd respondent never stopped his motorcycle and not abused petitioner besides stating that the petitioner is blackmailing the officers of Mandal level and cheating the public under the guise of Asha Non-Government Organization. After completion of the enquiry, I submitted the enquiry report to the Secretary, A.P. State Human Rights Commission, Hyderabad, on 5.8.2006. A copy of the same is enclosed for the kind perusal of the Hon'ble Court.

6. I respectfully submit that my personal discreet enquiries revealed that the petitioner was a Central Organizer of CPI (M) People Liberation Group, Ranga Reddy and he surrendered before the 3rd respondent at Amarapuram on 27.6.2001. He is one of the accused persons in Hindupur Taluk Police Station and Lepakshi Police Station respectively. He was involved in Cr.No.68/98 U/Sec.147, 148, 307 r/w 149 IPC and Sec.27 of Indian Arms Act and Sec.3 and 5 of Explosives Act and the case is ended in acquittal

and another case in Cr.No.65/98 U/Sec.147, 148, 324, 307, 452 r/w 149 IPC and Sec.27 of the (IB) of Indian Arms Act and Sec.3 and 5 of Explosives Act and the case is also ended in acquittal. The petitioner is having past history of CPI ML Peoples Liberation Group and close follower of Ranga Reddy, CPI (ML) People Liberation Group. The enquiry further revealed that the petitioner is blackmailing the officers and cheating the public and threatening them for his own benefits. As the 3rd respondent Sub Inspector called for him to the police station and gave warnings not to do any illegal things he bore grudge against him and submitted representation with false allegations against him. All the contentions raised by the petitioner in his petition dated 7.3.2006 are totally false, concocted and hence denied. The allegation of the petitioner that no action has been taken so far on his representation 7.3.2006 is false and hence denied. Action was taken and action taken report is also submitted to the Secretary, A.P. State Human Rights Commission, at Hyderabad on 5.8.2006 and now the matter is under their consideration. At this stage, the writ petition is not maintainable in law. When there is no iota of evidence and truth in the allegations of the petitioner in his representation dated 7.3.2006, hence the question of registering a case against the 3rd respondent does not arise. Hence the writ petition deserves no consideration."

It is further required to be noticed that the petitioner has sent up a similar complaint to the National Human Rights Commission as well as the A.P. State Commission for SCs and STs. The National Human Rights Commission has registered the petitioner's complaint and by proceedings dated 7.4.2006 has called upon the 1st respondent to submit response to the petitioner's complaint dated 7.3.2006. The A.P. State Commission for SCs and STs has also called upon the Inspector

General of Police, CID, PCR Cell, Hyderabad, the District Collector, Anantapur and the 1st respondent to respond to the petitioner's representation by making enquiry into the matter, by its proceedings dated 20.3.2006.

The petitioner appears to be pursuing a frenzy of representations and writ petitions. As he has already moved the National Human Rights Commission as well as the A.P. State Commission for SCs and STs, Hyderabad and as his representation dated 7.3.2006 has also been inquired into and appropriate administrative measures taken by the 1st respondent, no further orders are required.

The writ petition is dismissed. No costs.

GODA RAGHURAM, J

Date: 4.9.2006
cvm